REMARKS

In accordance with the foregoing, new formal drawings are submitted herewith. Claims 3 and 4 are pending and under consideration.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 2, claim 3 was rejected under 35 U.S.C. § 102 in view of EP 0 725 337 A1 to Berry et al. ("Berry"). This rejection is traversed and reconsideration is requested.

Berry describes an OODE allowing a program developer to create cards and then place objects on the cards. See page 4, lines 3-6 of Berry. After the developer creates card 212, the developer can copy prototypical objects 214-220 from toolbar 210 onto card 212. These copied objects are called derived objects. Derived objects are of the same class and instance as the prototypical object from which they were derived and take all of their attribute information from the prototypical objects. However, Berry is silent as to teaching or suggesting, "a second object having a pointer, the first object being a model for the second object, the software tool incorporating at least some of the data of the first object into the second object at **a beginning of an access** to the second object," emphasis added, as recited in independent claim 3. Nothing in the cited reference teaches or suggests that the prototypical objects are incorporated by a software tool at a beginning of an access to the derived objects.

Furthermore, Berry generally describes that the OODE automatically creates a derived object identical to "fButtonPrototype" and places it on the card (not shown). The derived object has the same attribute values as a prototypical button 220. See page 5, lines 16-19 of Berry. However, Berry fails to teach or suggest that "a second object having a pointer, the first object being a model for the second object, the software tool incorporating at least some of the data of the first object into the second object at **a beginning of an access** to the second object," emphasis added, as recited in independent claim 3.

The Office Action indicates that it is inherent that the second object must be created first before you can access the object. However, "[a]nticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. See Lindemann Maschinenfabrik GMBH v. American Hoise and Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). The Patent Office has the burden of making out a prima facie case, which requires it to produce the factual basis for its rejection in an application under §§102

and 103. See In re Warner, 154 USPQ 173, 177 (CCPA 1967). Furthermore, "when an examiner relies on inherency, it is incumbent on the examiner to point to the 'page and line' of the prior art which justifies an inherency theory." See Ex parte Schricker, 56 USPQ2d 1723 (BdPatApp&Int 2000). Accordingly, it is respectfully requested that the burden required be met and that a page and line number of the references cited be provided justifying the inherency theory presented in the Office Action.

In view of the foregoing, it is respectfully requested that independent claim 3 and related dependent claim 4 be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 3, claims 3 and 4 were rejected under 35 U.S.C. § 103 in view of Berry and Java Programming Basics by Edith ("Edith"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The arguments presented above supporting the patentability of the claims in view of Berry are incorporated herein. Referring to Edith, this reference generally provides an introduction to Java, discussing object-oriented concepts, Java applets and their uses, then goes into program structure, variables and classes, operators, and so forth. However, similarly to Berry, Edith fails to teach or suggest, ""a second object having a pointer, the first object being a model for the second object, the software tool incorporating at least some of the data of the first object into the second object at **a beginning of an access** to the second object," emphasis added, as recited in independent claim 3.

The Office Action correctly recognized that Berry fails to teach or suggest "the software tool deposits at least one data group of the data of the first object into the second object so that at the beginning of the access to the second object, the software tool does not incorporate the at least one data group of the first object into the second object," as recited in dependent claim 4. Accordingly, the Office Action relied on Edith as providing for such claim feature. However, similarly to Berry, Edith is silent as to teaching or suggesting that "the software tool deposits at least one data group of the data of the first object into the second object so that **at the beginning of the access to the second object**, the software tool does not incorporate the at least one data group of the first object into the second object," emphasis added, as recited in dependent claim 4. Thus, even if assuming, arguendo, that Berry and Edith are combined, the

combination thereof would not provide for all the claimed features of independent claim 3 and dependent claim 4. Accordingly, it is respectfully requested that independent claim 3 and dependent claim 4 be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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